

R E M A R K S

Careful review and examination of the subject application are noted and appreciated.

CLAIM REJECTIONS UNDER 35 U.S.C. §112

The rejection of claims 34-138 under 35 U.S.C. §112, second paragraph, has been obviated by amendment and should be withdrawn.

Specifically, claims 34, 71, 76, 77, 114, and 119-124 have been amended to more clearly recite that the central server is configured to transmit program instructions to the remote sites and that the program instructions are stored at the remote sites after receipt from the central server. Claims 34, 71, 76, 77, 114, and 119-124 have been amended also to replace "data management unit" with "hand held unit". The amendments are consistent with the interpretation given the claim language by the Office. As such, the rejection of claims 34-138 under 35 U.S.C. §112, second paragraph, has been obviated and should be withdrawn.

CLAIM REJECTIONS UNDER 35 U.S.C. §103

The rejection of claims 34-42, 44-50, 52, 54-59, 61-63, 65, 66, 69-75, 77-85, 87-93, 95, 97-102, 104-106, 108, 109, 112-118 and 120 under 35 U.S.C. §103 as being unpatentable over Fu et al. (U.S. Patent No. 4,803,625; hereinafter Fu) in view of Lee (U.S.

Patent No. 4,838,275) and Kirk et al. (U.S. Patent No. 5,390,238; hereinafter Kirk), and further in view of Beckers (U.S. Patent No. 5,019,974) has been obviated by amendment and should be withdrawn.

The rejection of claims 51, 53, 60, 64, 67, 68, 94, 96, 103, 107, 110 and 111 under 35 U.S.C. §103 as being unpatentable over Fu, Lee, Kirk and Beckers, and further in view of Fujimoto (U.S. Patent No. 5,339,821) has been obviated by amendment and should be withdrawn.

The rejection of claims 43 and 86 under 35 U.S.C. §103 as being unpatentable over Fu, Lee, Kirk, and Beckers, and further in view of Examiner's use of Official Notice is respectfully traversed and should be withdrawn.

The rejection of claims 76 and 119-138 under 35 U.S.C. §103 as being unpatentable over Fu, Lee, Kirk, and Beckers, and further in view of Examiner's use of Official Notice is respectfully traversed and should be withdrawn.

The lengthy prosecution of this application and other related applications has not factually established that Fu, Lee and Kirk teach or suggest a central server that transmits computer program instructions to remote patient sites where the transmitted computer program instructions are stored and executed at the remote patient site and transmitting program instructions from a central server to a remote patient site that when executed at the remote patient site collect patient health-related data, as presently

claimed. The fact that other lengthy prosecutions resulted in findings that a claim limitation such as a central server that transmits computer program instructions to the remote patient sites where the transmitted computer program instructions are stored and executed at the remote patient site distinguished the claimed inventions over the Fu, Lee and Kirk references is indicative that a similar conclusion should be reached in this application. The reference to instructions and data pointed to by the Office Action do not necessitate "program instructions" that are executable on a processor. Fu, Lee, Kirk and Beckers do not teach or suggest a central server that transmits computer program instructions to the remote patient sites where the transmitted computer program instructions are stored and executed at the remote patient site and transmitting program instructions from a central server to a remote patient site that when executed at the remote patient site collect patient health-related data, as presently claimed. As such, the presently claimed invention is fully patentable over the cited references and the rejections should be withdrawn.

APPLICATIONS UP FOR THIRD AND SUBSEQUENT ACTIONS

Should the Office decide to continue rejecting the claimed invention, Applicant's representative respectfully requests under MPEP 702.02 that a supervisory patent examiner personally check on all subsequent Office Actions with a view to finally

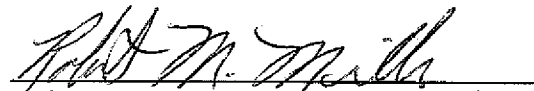
conclude prosecution. Verification of the SPE reviews may be evidenced by the SPE's signature at the end of the Office Actions.

Accordingly, the present application is in condition for allowance. Early and favorable action by the Examiner is respectfully solicited.

The Examiner is respectfully invited to call the Applicant's representative at 586-498-0670 should it be deemed beneficial to further advance prosecution of the application.

Respectfully submitted,

CHRISTOPHER P. MAIORANA, P.C.

A handwritten signature in cursive script, appearing to read "Robert M. Miller", is written over a horizontal line.

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Dated: April 11, 2012

c/o Health Hero Network
Docket No.: 99-0120 / 7553.00029